

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 08-672**

Appellant(s): Ann Perry

vz. Appellee(s): City/Town of Marblehead  
Robert Ives, Jr.

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant her a variance from 780 CMR 5305, for 76 Pitman Road, Marblehead, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on December 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

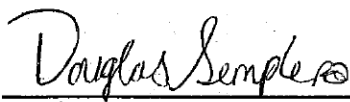
The Appellant appeared for the hearing and David Phelps gave testimony on behalf of the appellant.

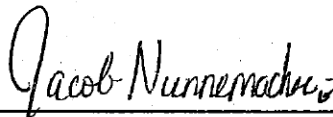
**Discussion**


A motion was made to grant the Appellant's request for a variance from 780 CMR 5305, based on the fact that there would be hardship to do otherwise, since construction of this basement space is nearly complete, and that the building official is not opposed to the granting of this variance as indicated in his letter dated October 16, 2008. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

**The Appellant's request for a variance from 780 CMR 5305, is hereby granted and so ordered<sup>2</sup> on this date: December 4, 2008.**

  
Douglas Semple

  
Jacob Nunnemacher

  
Brian Gale

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.